

ENTERED

February 01, 2017

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

OLIVER ESPARZA,

Plaintiff,

VS.

MEDICREDIT, INC.,

Defendant.

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CIVIL NO. 2:16-CV-352

ORDER

The Court is in receipt of the parties' Joint Stipulation of Dismissal with Prejudice, Dkt. No. 11.

Federal Rule of Civil Procedure 41 states, in part, that "the plaintiff may dismiss an action without a court order by filing . . . a stipulation of dismissal signed by all parties who have appeared." Fed. R. Civ. P. 41(a)(1)(A)(ii). "[A] voluntary order of dismissal requested by both parties is effective upon filing and does not require the approval of the court." *SmallBizPros, Inc. v. MacDonald*, 618 F.3d 458, 461 (5th Cir. 2010) (quoting *Ramming v. Natural Gas Pipeline Co. of Am.*, 390 F.3d 366, 369 n.1 (5th Cir. 2004)). The motion states that the parties move jointly to dismiss this suit. Dkt. No. 11 at 1. The parties jointly request dismissal of this action with prejudice to re-filing, and state that each party will bear its own costs, fees, and expenses. *Id.* The motion is signed by both parties in the action. *Id.* at 1-2.

In accordance with the joint motion and Federal Rule of Civil Procedure 41(a)(1)(A)(ii), the Court **DISMISSES** all claims with prejudice and **DIRECTS** the Clerk to close the above-captioned case.

SIGNED this 31st day of January, 2017.



Hilda Tagle

Senior United States District Judge